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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-7

**YVONNE MAUREEN BISHOP, AKA
YVONNE MAUREEN DODD, AKA
MAUREEN YVONNE DODD**
2000 Bald Hill Road
Auburn, CA 95603

A C C U S A T I O N

Registered Nurse License No. 523499

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

Registered Nurse License

2. On or about June 11, 1996, the Board issued Registered Nurse License Number 523499 to Yvonne Maureen Bishop, also known as Yvonne Maureen Dodd, and Maureen Yvonne Dodd. The registered nurse license will expire on July 31, 2008, unless renewed.

STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2770.11 provides:

(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by a committee. Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

(b) If a committee determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the committee shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

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1 (b) Use any controlled substance as defined in Division 10
2 (commencing with Section 11000) of the Health and Safety Code, or any
3 dangerous drug or dangerous device as defined in Section 4022, or alcoholic
4 beverages, to an extent or in a manner dangerous or injurious to himself or herself,
5 any other person, or the public or to the extent that such use impairs his or her
6 ability to conduct with safety to the public the practice authorized by his or her
7 license.

8 (c) Be convicted of a criminal offense involving the prescription,
9 consumption, or self-administration of any of the substances described in
10 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
11 record pertaining to, the substances described in subdivision (a) of this section, in
12 which event the record of the conviction is conclusive evidence thereof.

13 **COST RECOVERY**

14 8. Code section 125.3 provides, in pertinent part, that the Board may request
15 the administrative law judge to direct a licensee found to have committed a violation or
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
17 and enforcement of the case.

18 **TERMINATION FROM DIVERSION PROGRAM**

19 9. On or about October 12, 2006, Respondent was terminated from her
20 employment as a licensed registered nurse at Sutter Memorial Hospital in Sacramento,
21 California. On or about June 13, 2007, Respondent voluntarily enrolled in the Board's
22 Registered Nursing Diversion Program ("Diversion Program"). While in the Diversion Program,
23 Respondent tested positive for alcohol in a random alcohol and drug screening on August 24,
24 2007. Effective September 12, 2007, Respondent was terminated from the Diversion Program
25 for failure to comply with the rehabilitation plan. Further, the Board's Diversion Evaluation
26 Committee deemed Respondent's use of alcohol to be a public safety risk.

27 **FIRST CAUSE FOR DISCIPLINE**

28 (Criminal Conviction)

10. Respondent's license is subject to disciplinary action under Code
section 2761, subdivision (f), in that Respondent has been convicted of crimes that are
substantially related to the qualifications, functions, and duties of a registered nurse, as follows:

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1 a. On May 13, 2008, in the Superior Court, County of Placer, in the case
2 entitled *People of the State of California v. Maureen Yvonne Bishop* (Super. Ct., Placer Cty.,
3 2008, Case No. 62-79005), Respondent was convicted by the Court on her plea of *nolo*
4 *contendere* of violating Vehicle Code section 23152, subdivision (a) (driving under the influence
5 of alcohol), and Vehicle Code section 23540 (a prior violation of Vehicle Code section 23152,
6 subdivision (a)).

7 b. On August 3, 2000, in the Superior Court, County of San Diego, in the
8 case entitled *People of the State of California v. Maureen Yvonne Dodd* (Super. Ct., San Diego
9 Cty., 2000, Case No. M807175), Respondent was convicted by the Court on her plea of *nolo*
10 *contendere* of violating Vehicle Code section 23152, subdivision (a) (driving under the influence
11 of alcohol, with a prior violation).

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Conviction of Criminal Offense Involving Alcohol)

14 11. Respondent's license is subject to disciplinary action under Code
15 section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code
16 section 2762, subdivision (c), in that Respondent was convicted of a crime involving alcohol, as
17 more fully set forth in paragraph 10, subparagraphs a and b, above.

18 **THIRD CAUSE FOR DISCIPLINE**

19 (Use of Alcohol - Danger to Others)

20 12. Respondent's license is subject to disciplinary action under Code
21 section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code
22 section 2762, subdivision (b), in that on or about July 3, 2000, and March 6, 2008, Respondent
23 used alcoholic beverages in a manner dangerous or injurious to herself and others, as more fully
24 set forth in paragraph 10, subparagraphs a and b, above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 523499, issued to Yvonne Maureen Bishop, also known as Yvonne Maureen Dodd, and Maureen Yvonne Dodd;
2. Ordering Yvonne Maureen Bishop, also known as Yvonne Maureen Dodd, and Maureen Yvonne Dodd, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/1/08

BOARD OF REGISTERED NURSING



RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

03579110-SA2008302952

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